

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Re: D.I. 511, 821 & 1385

**LANDLORD'S SECOND SUPPLEMENTAL LIMITED
OBJECTION TO CURE NOTICE AND RESERVATION OF RIGHTS**

BVB-NC, LLC (the "Landlord") hereby files its Second Supplemental Limited Objection to Cure Notice and Reservation of Rights (the "Supplemental Limited Objection") with respect to the *Debtors' Notice of Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and Cure Amount* [D.I. 511] (the "Cure Notice") and supplements and amends the *Landlord's Limited Objection to Cure Note and Reservation of Rights* [D.I. 821] and the *Landlord's Supplemental Limited Objection to Cure Notice and Reservation of Rights* [D.I. 1385]. In support thereof, Landlord respectfully states as follows:

1. On November 3, 2024, Landlord filed its initial *Limited Objection to Cure and Reservation of Rights* [D.I. 821].

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores – PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores – CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors' corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081

2. On December 18, 2024, Landlord filed its *Supplemental Limited Objection to Cure Notice and Reservation of Rights* [D.I. 1385] (the “Limited Objection”)².

3. In its Limited Objection, the Landlord listed the Cure Amount as \$29,327.41.

4. The Landlord now supplements its Objections to change the Cure Amounts as of December 31, 2024 to \$51,407.72 (the “Revised Cure Amount”). The basis for the Revised Cure Amount is set forth in the supporting Supplemental Affidavit attached hereto as **Exhibit A**.

5. The Landlord further objects to the proposed cure amount because it does not include attorneys’ fees, which the Landlord is entitled to under the Lease. See Lease at p. 40, ¶ 25. Therefore, attorneys’ fees must be included as part of the Landlord’s cure amount as pecuniary losses suffered as a result of the Debtors’ defaults, under Section 365(b)(1)(B). See *In re Crown Books Corp.*, 269 B.R. 12, 18 (Bankr. D. Del. 2001). Attorneys’ fees have been accruing and will continue to increase through any assumption and assignment of the Lease. These amounts must be paid as part of any cure.

6. The remaining Objections are incorporated/not modified and Landlord reserves all rights.

7. Additional amounts continue to accrue, and Landlord reserves the right to supplement this objection.

Dated: February 18, 2025
Wilmington, Delaware

ESBROOK P.C.

/s/ Scott J. Leonhardt
Scott J. Leonhardt (DE 4885)
1000 N. West Street
Suite 1200
Wilmington, DE 19801

² Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Limited Objection.

(Phone) 302.650.7540

E-Mail: scott.leonhardt@esbrook.com

and

HUTCHENS LAW FIRM, LLP

William Walt Pettit (NC 9407)

6230 Fairview Road, Suite 315

Charlotte, NC 28210

Telephone: (704) 362-9255

Email: walt.pettit@hutchenslawfirm.com

Counsel for the Landlord

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:	Chapter 11
BIG LOTS, INC., <i>et al.</i> ,	Case No. 24-11967 (JKS)
Debtors.	(Jointly Administered)

CERTIFICATE OF SERVICE

I, hereby certify that on 18th day of February, 2025, I caused a copy of *Landlord's Second Supplemental Limited Objection to Cure Notice and Reservation of Rights* to be served on all parties that are registered to receive notice via the Court's CM/ECF notification system, and on counsel listed below by email.

Counsel to the Debtors	
Brian M. Resnick, Esq. Adam L. Shpeen, Esq. Stephen D. Piraino, Esq. Ethan Stern, Esq DAVIS POLK & WARDWELL LLP 450 Lexington Avenue New York, NY 10017 Brian.resnick@davispolk.com Adam.shpeen@davispolk.com Stephen.piraino@davispolk.com Jonah.peppiatt@davispolk.com Ethan.stern@davispolk.com Notice.biglots@davispolk.com	Robert J. Dehney, Sr., Esq Andrew R. Remming, Esq. Daniel B. Butz, Esq. Tamara K. Mann, Esq. Sophie Rogers Churchill (No. 6905) Casey B. Sawyer, Esq. MORRIS, NICHOLS, ARSHT & TUNNELL LLP 1201 n. Market Street, 16 th Floor, Wilmington, DE 19801 Rdehney@morrisnichols.com aremming@morrisnichols.com dbutz@morrisnichols.com tmann@morrisnichols.com csawyer@morrisnichols.com. Biglots.mnat@morrisnichols.com
Counsel to ABL Agent	
John F. Ventola, Esq. Jonathan D. Marshall, Esq. Jacob S. Lang, Esq. CHOATE, HALL & Stewart, LLP	Regina Stango Kelbon, Esq. Stanley Tarr, Esq. BLANK ROME LLP 1201 N. Market Street, Suite 800

Two International Place Boston, MA 02110 jventola@choate.com jmarshall@choate.com jslang@choate.com	Wilmington, DE 19801 Regina.kelbon@blankrome.com Stanley.tarr@blankrome.com
Counsel to the Term Agent	
Chad B. Simon James V. Drew Sarah L. Hautzinger OTTERBOURG P.C. 230 Park Avenue New York, NY 10169 CSimon@otterbourg.com JDrew@otterbourg.com shautzinger@otterbourg.com	John H. Knight RICHARDS, LAYTON & FINGER, P.A. 920 N. King Street Wilmington, DE 19801 knight@rlf.com
Counsel to the Committee	
Darren Azman Kristin G. Going MCDERMOTT WILL & EMERY LLP One Vanderbilt Avenue New York, NY 10017 dazman@mwe.com kgoing@mwe.com	Justin R. Alberto Stacy L. Newman COLE SCHOTZ P.C. 500 Delaware Avenue, Suite 1410 Wilmington, DE 19801 jalberto@coleschotz.com snewman@coleschotz.com
Counsel to the Stalking Horse Bidder	
Christopher Marcus Douglas A. Ryder Nicholas M. Adzima KIRKLAND & ELLIS LLP 601 Lexington Avenue New York, NY 10022 cmarcus@kirkland.com douglas.ryder@kirkland.com nicholas.adzima@kirkland.com	
U.S. Trustee	
Linda J. Casey U.S. Trustee Caleb Boggs Federal Building 844 King Street, Suite 2207 Wilmington, DE 19801 linda.casey@usdoj.gov	

ESBROOK P.C.

/s/ Scott J. Leonhardt

Scott J. Leonhardt (DE 4885)

1000 N. West Street

Suite 1200

Wilmington, DE 19801

Telephone: (302)-650-7540

Email: scott.leonhardt@esbrook.com

-and-

HUTCHENS LAW FIRM LLP

William Walt Pettit (NC 9407)

6230 Fairview Road, Suite 315

Charlotte, N.C. 28210

Telephone: (704) 362-9255

Telecopier: (704) 362-9268

Email: walt.pettit@hutchenslawfirm.com

Counsel for the Landlord